**Resolution 5-02**

**To Amend Montana District Bylaw 2.2.2.2**

Whereas, The bylaws of the Montana District currently call for a vacancy in the office of the Second Vice-President of the district to be filled on the basis of number of nominations at the previous convention; and

Whereas, This practice does not follow the Synodical prescription that “matters determined by a convention are to be determined by a majority vote”ii; and

Whereas, The current Montana District bylaw does not reference previous votes, but instead previous nominations; therefore be it

*Resolved*, That Montana District LCMS Bylaw 2.2.2.2 be amended as follows:

~~PRESENT~~/PROPOSED WORDING

***District Vice-Presidents***

2.2.2.2 Vacancies

A vacancy in the office of First Vice-President shall be filled by the Second Vice-President. ~~A vacancy in the office of Second Vice-President shall be filled by the individual member of the District receiving the highest number of nominations for Second Vice-President at the previous convention~~ A vacancy in the office of Second Vice-President shall be filled by appointment of the Board of Directors of the Montana District.

The Montana District LCMS Board of Directors

iiCCM Opinion (20-2941)

Regarding Bylaw 3.01 (d), the commission notes that requiring a vacancy to be filled by appointment of a candidate receiving a minority of votes in the past election does not reflect the will of the majority of the convention. The position should be filled by appointment, not by a determination made by less than a majority of the district convention. Matters determined by a convention are to be determined by a majority vote. (Const. Art. VIII C). See Synod Bylaw 3.3.2.4, in which a vacancy in the office of vice-president is filled by the president in consultation with elected representatives of the region. (CCM Op. 17-2862)